

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSEPH W. HIGGINS,

Plaintiff,

vs.

RICHARD G. KOPF, et al.,

Defendants.

8:16CV535

ORDER

This matter is before the court on the plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Filing No. 2), which includes an affidavit regarding his financial status. The plaintiff failed to include additional supporting documentation. The Prison Litigation Reform Act "makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal." *In re Tyler*, 110 F.3d 528, 529-30 (8th Cir. 1997); *Jackson v. N.P. Dodge Realty Co.*, 173 F. Supp. 2d 951 (D. Neb. 2001). Nevertheless, prisoner plaintiffs may pay the full amount of the court's \$400.00 filing fee by making monthly payments to the court. 28 U.S.C. § 1915(b). The statute requires the plaintiff to file an affidavit and "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period *immediately preceding* the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined." 28 U.S.C. § 1915(a)(2) (emphasis added). The plaintiff's filing does not comply with the statute. Accordingly,

IT IS ORDERED:

The plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Filing No. 2) is denied without prejudice to reassertion following submission of a trust account statement.

Dated this 16th day of December, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge